

Village of Roberts
Village Board Meeting Minutes
March 13, 2017 – 7:00 PM

The Village Board Meeting was called to order at 7:00 PM by President Moeri

The meeting was properly noticed in the Central St. Croix News and posted in three locations in the Village of Roberts.

Members Present: Rand Waughtal, Don Gerhardt, Willard Moeri, Chad Svacina, Katy Kapaun, and Chuck Pizzi

Absent: John Bond, Mary Shemon

Guest: Peter Tharp, Tom Lindfors, Krissa Coleman, Deanne Koll, Peter Close, Aaron McWilliams

Meeting Minutes

Motion to approve Meeting Minutes from February 13, 2017 regular board meeting, February 27, 2017 and March 6, 2017 Special Village Board Meeting by Waughtal with the addition to adding the employee handbook wording to the March 6th meeting minutes, seconded by Gerhardt. Motion carried.

Treasurer's Report

Motion to approve Treasurer's Report by Pizzi, seconded by Kapaun. Motion carried.

Public Concerns –

- Moeri discussed that he received a phone call concerning garbage in a yard that needs to be cleaned up. The caller felt that the Village is not doing a good enough job at controlling the garbage that is outside and protecting property values of homes. Please let Moeri know if you see any concerns that need to be addressed.

Communications – None

Department Reports:

Police Department – Chief McWilliams

- Department case summary was reviewed.
- In the month of April, we will be doing CPR recertification here at Village Hall. The emergency operation procedures we will have here in the village. It will be in house this year which will be a cost savings. Along with CPR we are incorporating some first on scene type medical procedures that we could do without a license. This is for the police department only. There could be other police departments that attend this meeting.

Director of Public Works – Megan Dull for John Bond

- There was a 6" water main break at the intersection of North Division and Tower Street on February 27th. A citizen contacted Village Hall that there was water coming up south of Tower Street. We had to call a leak detection company to find the source of the water main where the water was surfacing because there is no water main where the water was surfacing. The water was being diverted because of base stabilization mat that was installed under the blacktop when Division St was rebuilt. In repairing the break, we noticed the soils in the entire intersection was saturated.
- On March 2nd, south of the original break, the blacktop started to collapse. When the blacktop was removed an area approximately eight feet by thirty-six feet by eight inches deep where the soil has eroded away. John believes that this was caused by the original water main break on February 27th.
- The Village received a grant from Focus on Energy to replace 250 4ft fluorescent lightbulbs with 4 ft. LED lightbulbs. The bulbs are to be used at the Village Hall, Library, Fire Hall and Park Building. This will help lower our energy costs.
- John is working with Focus on Energy for a grant to install a BFD drive on well #2. This drive would help lower energy costs and allow us a backup source when our water tower is out of service. – Clarify what BFD is.

Library Director – Krissa Coleman

- Excited to be hosting Roberts Royalty Tea party for the parade this Saturday.
- Next Tuesday, March 21st they are having an author night. Jim Anderson will be here to speak about history. He is also going to talk about how he learned American History by

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running in all fifty state in marathons.

- Intro to knitting class is coming up. Already started our class list for crocheting class. This appears to be a hot item.
- Staff doing fun vacations right now!

Committee Reports and Recommendations

Park Board - none

Plan Commission - Katy Kapaun/Willard Moeri

- **Building Inspector Report** – Reviewed Report
- Everything on the agenda was tabled until the next meeting.
- Gave a quick overview of our discussion with Bill Derrick Jr asking to have the ghost platting of the future road that would go from I94 exit to 130th at highway 12 removed. This would make his property located from 70th Avenue to Wagner Drive more marketable. This project has been in the works for almost 15 years and nothing has been done at this point. There is no funding from the State at this time. Tom Beekman was here to discuss his point on this topic. DOT does not have anything on the radar at this time for this road to go in. With all of this said, we need to address our Comprehensive Plan with Warren Township and also discuss with Angi Goodwin from Ayres and Associates what our travel patterns are going to be. In talking to Derricks, it sounds like there have been missed opportunities with businesses to develop here. The other item related to the Comprehensive Plan might not be a big concern with the Township but we also need to make sure that they are aware of the Clearas proposal. Kapaun looks at this as an opportunity though that the ghost bypass made sense when we were looking at our population exploding at the time give us an opportunity to reconnect our downtown area with the growth that is occurring towards the freeway and create another route that includes the downtown area. This will all come with expense and planning. This could include another water tower and other issues that will come from this growth.

CDA Board - None

Finance Committee – None

Public Safety Committee – None

Public Works Committee – Will meet on March 27th.

Fire Association – None

Old Business

New Business

- **Employee Education Requests and Expense Reports**
Peter Tharp – Judges Trial Seminar in Green Bay
Motion to approve Peter Tharp for Judge Trial Seminar in Green Bay on March 16th and 17th by Waughtal, seconded by Gerhardt. Motion carried with Kapaun opposing. There was discussion prior to this being approved as to if there are enough trails to warrant the expense of this training. Trial activity is minimal and most of the items are resolved before a trail happens. Judge Tharp was asked if this training was in his budget and Judge Tharp thinks this would have to come out of this year's budget. There was a question asked in regards to why there was no mileage included for this training and Judge Tharp is asking only for the conference to be paid for and not mileage and other expenses. Judge Tharp did ask questions regarding budgets and using excess funds from one budget to fund something else and this would generally be acceptable to do but since we are so early in the budget year and we are not able to predict what will be available.

Motion to approve Megan Dull for the zoning class on March 21st by Pizzi, seconded by Gerhardt. Motion carried.
- **Operator's Licenses**
Motion to approve Operators License for Samantha Foster by Pizzi, seconded by Kapaun. Motion carried.
Motion to approve Operators License for Katelyn Walker by Kapaun seconded by Svacina. Motion carried. There was discussion on what citations were not disclosed. She had traffic citations and they have been taken care of. Waughtal did question why we accepted a Texas Certificate of Completion instead of the required Wisconsin certificate. Katelyn will need to complete the

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Wisconsin class prior to the Operator's License is given out.

- **Payment of Bills**

Motion to approve payment of the bills by Waughtal, seconded by Gerhardt. Motion carried.

- **Approval of Election Workers**

Discussed workers not having to live in the Village to be an election worker.

Motion to approve the 2017 Election Workers by Kapaun, seconded by Gerhardt. Motion carried.

- **Approval of Spring Clean-up Days**

Motion to approve Spring clean-up days for April 22nd to May 12th with April 22nd and May 6th as the Saturday drop off days. Discussion was had to change the dates to an earlier time frame. Looking for April 15th to May 6th with Saturday, April 15th and April 29th. Motion to approve clean-up days by Kapaun, seconded by Pizzi. Motion carried.

- **Discussion on Municipal Judge Invoice**

This is a case that started before Judge Tharp took office. It was recommended when Judge Tharp took office that a substitute judge be requested. Judge Tharp gave a little history on this case and why it has now been moved to circuit court. Moeri's concern is that we have not had a bill like this before and is wondering how this happens. Judge Tharp commented that this is for work the needed to be done before we knew it was being dismissed. Peter Close commented that there has never been a bill like this before because of agreements that were in place with other local Judges that had agreed would be no charge. Close feels that the reason that the bill happened is because there was no agreement in place to cover this. Kapaun asked questions regarding the bill and the recording of the sessions. Deanne Koll, the new Village Prosecutor gave her take on what she thinks happened in this situation. Kapaun questioned if these types of bills will continue to happen in the future. Peter Close thought the best plan would be to get some agreements in place with local Judges to prevent fees going forward. It was requested that other area municipalities be contacted to see if this situation has happened to them and if there was a fee for this charge. It was also requested that Judge Needham be contacted for a letter as to his opinion of this situation. We may also want to talk to Sue Gherty regarding this situation to get her opinion.

Motion to table this until Megan can contact other municipalities to see what if any charges have been paid for this situation and also ask Judge Needham for a letter of his stance on this situation by Kapaun, seconded by Svacina. Motion carried. Could also talk to Sue Gherty regarding this situation to get her opinion.

- **Discussion/approval of Request for Change of Municipal Judge Duties**

Judge Tharp had distributed a letter to the Village Board asking them to grant blanket authority to amend citations or complaints from the Bench at initial appearances. Judge Tharp discussed the Agreement for Disposition of Certain Offenses at Initial Appearances that was signed by Andrew Nelson on January 31, 2017. This agreement gives the Village Judge the authority to amend or modify citations for speeding, OAS/OAR, Operating without Insurance, Non-Registration/Expired Plates, Underage Consumption of Alcohol. Judge Tharp discussed specific situations that have happened with the Village Prosecutor and the fees that he feels could have been saved if he had the authority that he is seeking. Pizzi asked why this was presented to the Village Board. Pizzi does not think that the board should be giving this approval. Judge Tharp said that unless the village Board gives this authority to modify this citation it will stay as it currently is. Moeri discussed the importance of having the three-part judicial system that needs to be kept that way. Moeri questioned if Judge Tharp investigates the cases outside of court. Kapaun reminded the board that we have a new Village Attorney on board and she is reluctant to make a decision on this topic until we give them a chance to work for us and review the bills. Deanne Koll the Village Prosecutor expressed her stance on this situation. Koll agrees that this will save money for the Village if you give Judge Tharp this authority. Koll feels strongly that you are offering an unbiased option for the defendant. Koll agrees that the Village is going to pay for services that the judge could rule on but the Judge is here to do justice. Most of the time this will align but there are a few times that this will not. To have certain agreement Koll is all for but to have cart blanch ability she is not in favor of. This will cost the Village more money. If you want three prongs like it is supposed to be run you cannot have the Judge be

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the advocate and the adjudicator. Moeri feels this will make Tharp judge and jury and Judge Tharp agreed to a certain extent. Moeri commented that if we are going to have a court, you need to make it fair. Judge Tharp feels he should be able to look at the situation and use his judgement for justice and for the village. Any defendant can plead guilty and go to the prosecutor. Kapaun asked Chief McWilliams, if we approve this request, are we telling the police that no matter what citations you write, because whatever the judge agrees to reduce them to is what is going to happen. Koll feels that if we make this change that we are not giving the Village a voice. The Village will not have an advocate to examine what the officer really saw. Chief McWilliams agrees with what Koll has drafted for a response. McWilliams revisited some of the charges that Judge Tharp brought up which are now on the current agreement. Since January 1st the Police Department has written 52 citations. With the current agreement that is in place, 71% of these citations can be amended by the Judge. This allows the Village to have a voice with from the prosecutor and the Police Department is upholding the law. Tharp responded to Pizzi regarding his earlier question stating that because the Village is the employer and if you give the prosecutor cart blanch, which is basically what the previous attorney had, you can look at the cost to the village and see what this cart blanch has resulted in for a cost to village. Moeri stated that the issue was Judge Tharp being judge and jury and deciding if the ticket should be written. Judge Tharp still feels that he should have the authority to have this power

Motion to revisit this issue in six months to see if we are still in the same position that we are now by Svacina, seconded by Kapaun. Motion carried.

- **Sex Offender Ordinance Update**

Waughtal commented that the updates look like they have eliminated the all-inclusive list of schools and updated the distance that they need to maintain from the location. This has been updated from 200 to 500 feet. Kapaun added that this allowed for the statutory definition of what constitutes a childcare facility or public parks rather than naming them specifically. This will eliminate updating this ordinance every time a new location is added. Chief McWilliams agreed that what Kapaun stated is correct. It needed to be updated to eliminate the specific locations because if we missed one and there was an incident, we could not enforce it. Chief McWilliams stated that the reason behind this is statute 981-35 and updating our ordinance with the State Statute. The statute gave the power to the Village to set what they wanted for an ordinance.

Motion to approve the update of the sex offender ordinance by Kapaun, seconded by Gerhardt. Motion carried.

- **Review Personnel Policy and Procedures Manual Updates –**

Motion to table by Kapaun, seconded by Pizzi. Motion carried.

- **Approval of Job Description for Village Employees –**

Moeri stated that these have been done for a while but not formally adopted. Kapaun thinks that these should be reviewed at the same time that we discuss the employee handbook so that we can make sure they are cross referenced if needed. Waughtal suggested making these descriptions uniform by using the same format with all of the descriptions. Moeri is also in favor of having annual reviews done prior to the negotiation sessions. This would be done by the department heads and used during negotiation sessions. This would provide the documentation needed to justify what is given at raise time.

- **Motion** to table this discussion to next month by Gerhardt, seconded by Kapaun. Motion carried.

- **Other Business - None**

- **Motion** to adjourn at 9:05 PM by Pizzi, seconded by Gerhardt. Motion carried.